

REMARKS

This Amendment is being filed in response to the Office Action mailed December 12, 2011, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 15, 18, 19, 30, 33-35 and 42-43 are pending in the application, where claim 15 and 30 are independent.

In the Office Action, claims 15, 18, 19, 30 and 33-35 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,708,037 in view of U.S. Patent No. 6,973,062 (Han), U.S. Patent No. 5,638,412 (Blakeney) and U.S. Patent No. 6,400,954 (Khan). The Examiner indicated that a terminal disclaimer may be used to overcome this rejection. This rejection is respectfully traversed, particularly in view of the present amendments to the claims. However, it is respectfully submitted that Applicants will consider filing a terminal disclaimer, if necessary in view of any allowable claims, upon indication that the present application is otherwise allowable or includes allowable claims.

In the Office Action, claims 15, 18, 19, 30 and 33-35 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,973,062 (Han) in view of U.S. Patent No. 5,638,412 (Blakeney) and U.S. Patent No. 6,400,954 (Khan). This rejection is respectfully traversed. It is respectfully submitted that the claims are patentable over Han, Blakeney and Khan for

at least the following reasons.

Han discloses on column 3, lines 9-11 "a base station to periodically broadcast call access control information including traffic information of a reverse link." (Emphasis added)

It is respectfully submitted that Han does not disclose or suggest the present invention as recited in independent claim 15, and similarly recited in independent claims 30 which, amongst other patentable elements, recites (illustrative emphasis provided):

wherein the primary station is operable to repeatedly transmit the random access channel status message so that intervals between repeated random access channel status messages are different.

A primary station which is operable to repeatedly transmit the random access channel status message so that intervals between repeated random access channel status messages are different is nowhere disclosed or suggested in Han. Rather, the Han base station periodically broadcasts call access control information. Blakeney and Khan are cited to allegedly show other features and do not remedy the deficiencies in Han.

Accordingly, it is respectfully requested that independent claims 15 and 30 be allowed. In addition, it is respectfully submitted that the dependent claims should also be allowed at least based on their dependence from independent claims 15 and 30, as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented

remarks. However, Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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